



**DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF OPERATIONS SECURITY AND PREPARDNESS
OFFICE OF SECURITY AND LAW ENFORCEMENT
WASHINGTON DC 20420**

October 30, 2018

MuckRock News
DEPT MR 61073
411A Highland Ave
Somerville, MA 02144-2516

Re: #19-00454-F

Dear Mr. Craven:

This is in response to your September 17, 2018 FOIA request to the Department of Veterans Affairs requesting the following: "All investigative documents of VA police officers—including written testimony, evidence, photos, VA police investigative reports, and patient complaints – forwarded to or created by the VA's Office of Security and Law Enforcement (OS&LE) since Jan. 20, 2017. Please include case information for charges that were reported forward to the US Attorney for action. This process is detailed in a GAO report from January, linked to here, on page 27: <https://www.gao.gov/assets/690/689414.pdf>". This request was assigned to the Office of Security and Law Enforcement on October 16, 2018.

These records fall under the Privacy Act system of records numbered 103VA07B and titled "Police and Security Records – VA" which has been exempted from several provisions of the Privacy Act, including the access, amendment, and accounting of disclosures provisions of the Act in accordance with 38 C.F.R. § 1.582 as published by Final Rule on June 13, 2003 in Federal Register Volume 68, Number 114 on pages 35297 through 35299.

The regulation cited above states that "The investigations records and reports contained in this System of Records are exempted [pursuant to 5 U.S.C. 552a(j)(2) of the Privacy Act of 1974] from Privacy Act subsections (c)(3) and (c)(4); (d); (e)(1) through (e)(3), (e)(4)(G) through (e)(4)(I), (e)(5), and (e)(8); (f); and (g); in addition they are exempted [pursuant to 5 U.S.C. 552a(k)(2) of the Privacy Act of 1974] from Privacy Act subsections (c)(3); (d); (e)(1), (e)(4)(G) through (e)(4)(I); and (f). Consequently, you do not have a right of access to these records under the Privacy Act.

In review under The Freedom of Information Act (FOIA), your request has been denied under the FOIA which generally provides that any person has the right to request access to federal agency records or information except to the extent the records are protected from disclosure by any of nine exemptions contained in the law or by one of three special law enforcement record exclusions. The information you have requested meets the law enforcement records or information for exemption number 7, subsections: 7(A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of right to fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, and (F) could reasonably be expected to endanger the life or physical safety of any individual.

In the event you would wish to appeal this determination, please send the appeal to the Office of General Counsel within ninety (90) calendar days of the date of this letter to:

Office of General Counsel (OGC/024)
810 Vermont Avenue, N.W.
Washington, DC, 20420
Email to ogcfoiaappeals@va.gov.
Fax: (202-273-6388)

As an alternative to an appeal, you may contact VA FOIA Public Liaison, which was created to offer mediation services to resolve disputes between FOIA requesters and VA. Using this method does not affect your right to appeal. You may contact:

VA FOIA Public Liaison
Department of Veterans Affairs
810 Vermont Ave. NW
Washington, DC 20420.
Email: vafoiaservice@va.gov,
Phone: (877) 750-3642
Fax: (202) 632-7581

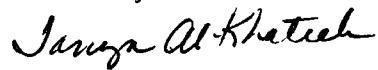
Also, the office of Government Information Services (OGIS) offers mediation services to resolve disputes between persons making requests and administrative agencies as a nonexclusive alternative to litigation and, at the discretion of the OGIS, may issue advisory options if mediation has not resolved the dispute. The OGIS is at:

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
Email: ogis@nara.gov

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Phone: (877) 684-6448
Fax: (202) 741-5769.

Sincerely



Tanya Al-Khateeb
Program Analyst
Office of Security & Law Enforcement